

REMARKS

This amendment is responsive to the Office Action dated May 5, 2005. Applicants have amended claims 26, 32, 38 and 48. Applicants have added new independent claim 50. Claims 1-50 are pending.

Claim Objections

In the Office Action the Examiner objected to claims 26-43 because independent claims 26, 32 and 38 included the language “the explicit color commands,” although explicit color commands are not mentioned anywhere else in the claims. Applicants have amended claims 26, 32 and 38 such that the language in question now reads “the implicit color sub-commands,” as assumed by the Examiner. Applicants request withdrawal of the objection.

Claim Rejections Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1-49 under 35 U.S.C. 103(a) as being unpatentable over Vyncke et al. (US 5,926,185) (hereinafter “Vyncke”) in view of Adobe Illustrator 8.0 (Help Section, “Using Gradients, Blends, and Patterns,” Changing gradients, blends and patterns into filled objects, pages 1-2) (hereinafter “Illustrator”). Applicants respectfully traverse the rejection. The applied references fail to disclose or suggest the inventions defined by Applicants’ claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

Claims 1-25

With reference to independent claims 1, 10 and 18, the applied references lack any teaching that would have suggested modification of color values in a page description file by identifying at least some implicit color commands within the page description file, and converting the identified implicit color commands within the page description file to explicit color commands such that the explicit color commands replace the implicit color commands within the page description file.

In support of the rejection, the Examiner stated that Vyncke teaches identifying and simplifying implicit color commands. The Examiner recognized that Vyncke does not teach converting the implicit color commands to explicit color commands. However, the Examiner asserted that Illustrator teaches converting an identified implicit color command into a set of

explicit color commands. The Examiner proposed modifying the page description file simplification process of Vyncke with the implicit to explicit conversion process of Illustrator. The Examiner stated that it would have been obvious to modify the Vyncke process with the Illustrator process so that the document could have been appropriately modified to overcome printing problems.

Contrary to the Examiner's assertion, Vyncke fails to describe identifying implicit color commands within a page description file. Instead the Vyncke reference describes processing page description language (PDL) commands by translating the PDL commands into an object display list (ODL) which is a structured list containing mathematical descriptions of graphical objects and their properties. Vyncke further describes identifying graphical objects within the ODL and simplifying the page description file by either modifying or removing the PDL commands corresponding to the identified graphical objects.¹ The page description file simplification process of Vyncke does not include identifying implicit color commands. Furthermore, Vyncke never mentions identifying implicit color commands within a page description file, as recited by Applicants' claims 1, 10 and 18.

In addition, the Vyncke process modifies PDL commands that correspond to identified graphical objects in the ODL in order to simplify the work flow and reduce the time required for interpreting and printing the page description file.² As an example, Vyncke describes analyzing the color palate associated with a page description file for possible relationships between the colors. The Vyncke process converts the representation of a color tint (a percentage amount of a base color) as a distinct color in the color palate to a function of the base color. The explicitly defined color tint may then be removed from the color palate and both the tint and the base color may be achieved based on implicit color commands.³ Therefore, Vyncke actually teaches away from Applicants' invention insofar as Applicants claims require converting implicit color commands to explicit color commands and Vyncke teaches modifying explicitly defined PDL commands to implicitly defined PDL commands.

Moreover, Illustrator fails to provide any teaching capable of overcoming the deficiencies of the Vyncke reference. Unlike Applicants' claimed invention, Illustrator does not describe converting identified implicit color commands. Instead, the Illustrator process allows a user to capture implicitly defined objects presented on a display device and manually

¹ *Vyncke et al.*, Col. 2, ln. 55 – Col. 3, ln. 3.

² *Vyncke et al.*, Col. 2, ll. 44-52.

request that the objects be converted to explicitly defined objects. Illustrator makes no mention of a page description file or converting implicit color commands identified within a page description file, as recited by Applicants' claims 1, 10 and 18. Illustrator also does not describe converting implicit color commands to explicit color commands and replacing the implicit color commands with the explicit color commands in the page description file. In fact, Illustrator merely teaches a user how to execute a command that converts implicitly defined objects to explicitly defined objects in order to avoid difficulty when printing the implicitly defined objects.

The Examiner has not met the burden of establishing a prima facie case of obviousness.⁴ In order to meet this burden, the Examiner must determine whether the prior art provides a "teaching or suggestion to one of ordinary skill in the art to make the changes that would produce" the claimed invention.⁵ A prima facie case of obviousness is established only when this burden is met. Neither Vyncke nor Illustrator provide any motivation to modify the Vyncke process to convert implicit color commands to explicit color commands within a page description file. Even if the Vyncke process were modified by the Illustrator process, the combination would not result in Applicants' invention as claimed.

Vyncke describes modifying implicit color commands to create simplified implicit color commands. For example, Vyncke describes removing extraneous colors and spatial definitions from a page description file. On the other hand, Illustrator describes converting implicitly defined objects to explicitly defined objects. Explicitly defining an object inherently adds color commands to a page description file. For example, an object previously described by an implicit blend command is now represented as a plurality of objects each described by an explicit color command. Clearly, converting each implicit color command to an explicit color command will not simplify the page description file in the way described by the Vyncke reference. Accordingly, one of ordinary skill in the art would not have contemplated modifying the Vyncke process to convert the implicit color commands to explicit color commands.

In addition, Vyncke makes no reference to accurately correcting color values within the page description file. Therefore, it would not be obvious to modify Vyncke to convert the implicit color commands to explicit color commands in order to modify color values.

³ *Vyncke et al.*, Col. 5, ln. 46 – Col. 6, ln. 18.

⁴ *In re Oetiker*, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992).

Illustrator also fails to mention modifying color values of the page description file or any other motivation to convert implicit objects to explicit objects beside ease of printing.

The cited references similarly fail to disclose the features required by dependent claims 2-9, 11-17 and 19-25. Claims 3, 12 and 20, for example, recite modifying color values specified by the explicit color commands. Both Vyncke and Illustrator fail to describe modifying explicitly defined color values. In the Office Action, the Examiner referred to Col. 6, ll. 34-45 of the Vyncke reference and stated that Vyncke teaches that a user may modify individual colors of the implicit color command. However, the cited passage of Vyncke merely states that a user may modify a color list in which intermediate colors of a blend are implicitly defined. The color list is generated from the page description file along with the ODL. Vyncke fails to discuss an ability to modify color values specified by implicit color commands or any other types of color commands.

Furthermore, the Examiner asserted that since Illustrator teaches converting implicitly defined objects to explicitly defined objects that the explicitly defined objects can be independently manipulated. However, Illustrator fails to discuss the ability to modify the explicitly defined objects in any way. As described above, Illustrator merely teaches a user how to execute a command that converts implicitly defined objects to explicitly defined objects in order to avoid difficulty when printing the implicitly defined objects. Moreover, neither of the cited references teaches or suggests modifying color values specified by explicit color commands.

Claims 26-43

The cited references fail to teach or suggest modification of color values in a page description file by identifying implicit color commands within the page description file, and converting each of the implicit color commands within the page description file to a plurality of implicit color sub-commands such that the implicit color sub-commands replace the implicit color commands within the page description file, wherein each of the implicit color commands pertains to a spatial area, and each of the implicit color sub-commands pertains to a sub-section within the spatial area, as required by independent claims 26, 32 and 38.

In support of the rejection, the Examiner again stated that Vyncke teaches identifying and simplifying implicit color commands. The Examiner recognized that Vyncke does not

⁵ *In re Chu*, 36 USPQ2d 1089, 1094 (Fed. Cir. 1995).

teach converting the implicit color commands to a plurality of implicit color sub-commands. However, the Examiner asserted that Illustrator teaches converting an identified implicit color command into a set of color sub-commands. The Examiner stated that it would have been obvious to modify the description file simplification process of Vyncke with the ability to replace implicit color commands with implicit color sub-commands as is taught by Illustrator so that the document could have been appropriately modified to overcome printing problems.

As stated above, Vyncke fails to describe identifying implicit color commands within a page description file. Instead the Vyncke reference describes translating PDL commands into an ODL, identifying graphical objects within the ODL, and simplifying the page description file by either modifying or removing the PDL commands corresponding to the identified graphical objects.⁶ In addition, the Vyncke process replaces explicit color commands with implicit color commands in order to simplify the work flow and reduce the time required for interpreting and printing the page description file.⁷ Therefore, Vyncke actually teaches away from Applicants' invention.

Moreover, Illustrator makes no mention of converting identified implicit color commands into a set of implicit color sub-commands, as recited by Applicants' claims 26, 32 and 38. As previously stated, Illustrator merely teaches a user how to execute a command that converts implicitly defined objects to explicitly defined objects in order to avoid difficulty when printing the implicitly defined objects. The Illustrator reference never describes converting the implicit object into a set of implicit color sub-objects. Applicants' are confused by the Examiner's assertion that the Illustrator reference describes converting the implicit object into a set of implicit color sub-objects, as this teaching is clearly lacking from the reference.

A prima facie case of obviousness has not been established. Neither Vyncke nor Illustrator provide any motivation to modify the Vyncke process to convert implicit color commands to a set of implicit color sub-commands within a page description file. Moreover, even if the Vyncke process were modified by the Illustrator process, the combination would not result in Applicants' invention as claimed.

The cited references similarly fail to disclose the features required by dependent claims 27-31, 33-37 and 39-43. Claims 28, 34 and 40, for example, recite modifying color

⁶ *Vyncke et al.*, Col. 2, ln. 55 – Col. 3, ln. 3.

⁷ *Vyncke et al.*, Col. 2, ll. 44-52.

values specified by the explicit color commands. For at least the reasons described above in reference to claims 3, 12 and 20, both Vyncke and Illustrator fail to describe modifying explicitly defined color values.

The cited references also fail to teach converting some of the implicit color commands within the page description file to implicit color sub-commands, and converting others of the implicit color commands to explicit color commands, as recited by Applicants' claims 30, 36 and 42. In the Office Action, the Examiner states that the figure of Illustrator shows a gradient being transformed into a set of explicit color command bands and that the figure also shows a color command being converted into a plurality of color sub-commands. However, Applicants' can find no mention within Illustrator of converting color commands into both explicit color commands and implicit color sub-commands.

Claims 44-46

With reference to independent claims 44, 45 and 46, the applied references fail to teach or suggest modification of color values in a page description file by accessing implicit color commands within the page description file, and modifying explicit color values specified by the implicit color commands within the page description file without raster image processor-converting (RIP-converting) the page description file.

In support of the rejection, the Examiner stated that Vyncke teaches identifying and simplifying implicit color commands. The Examiner also asserted that Vyncke teaches that a user may modify the individual colors of the implicit color commands. The Examiner recognized that Vyncke does not teach converting an identified implicit color command into a set of explicit color commands. However, the Examiner asserted that Illustrator teaches converting an identified implicit color command into a set of explicit color commands which are individually modifiable. The Examiner stated that it would have been obvious to modify the description file simplification process of Vyncke with the implicit to explicit conversion process of Illustrator so that the document could have been appropriately modified to overcome printing problems.

As stated above, Vyncke fails to describe accessing implicit color commands within a page description file. Furthermore, Vyncke does not teach modifying color values specified by the implicit color commands. Vyncke merely states that a user may modify a color list in

which intermediate colors of a blend are implicitly defined.⁸ Vyncke fails to discuss an ability to modify color values specified by implicit color commands or any other types of color commands.

Moreover, Illustrator makes no mention of modifying explicit color values specified by implicit color commands, as recited by Applicants' claims 44, 45 and 46. As previously stated, Illustrator merely teaches a user how to execute a command that converts implicitly defined objects to explicitly defined objects in order to avoid difficulty when printing the implicitly defined objects. Contrary to the Examiner's assertion, Illustrator fails to discuss the ability to modify the explicitly defined objects in any way and never even mentions modifying color values specified by any type of color commands.

The Examiner has not established a prima facie case of obviousness. Neither Vyncke nor Illustrator provide any motivation to modify the Vyncke process to modifying explicit color values specified by implicit color commands. Even if the Vyncke process were modified by the Illustrator process, the combination would not result in Applicants' invention as claimed.

Claim 47

Both Vyncke and Illustrator fail to describe modification of color values in a page description file having implicit color commands by identifying the implicit color commands within the page description file, and converting the implicit color commands within the page description file to explicit color commands within the page description file that specify explicit color values without raster image processing the page description file such that the explicit color commands replace the implicit color commands within the page description file.

In the Office Action, the Examiner again stated that Vyncke teaches identifying and simplifying implicit color commands. The Examiner recognized that Vyncke does not teach converting an identified implicit color command into a set of explicit color commands. However, the Examiner asserted that Illustrator teaches converting and replacing an identified implicit color command into a set of explicit color commands. The Examiner stated that it would have been obvious to modify the description file simplification process of Vyncke with

⁸ *Vyncke et al.*, Col. 6, ll. 34-45.

the implicit to explicit conversion process of Illustrator so that the document could have been appropriately modified to overcome printing problems.

As stated above, Vyncke fails to describe identifying implicit color commands within a page description file. Instead the Vyncke reference describes translating PDL commands into an ODL, identifying graphical objects within the ODL, and simplifying the page description file by either modifying or removing the PDL commands corresponding to the identified graphical objects.⁹ In addition, the Vyncke process replaces explicit color commands with implicit color commands in order to simplify the work flow and reduce the time required for interpreting and printing the page description file.¹⁰ Therefore, Vyncke actually teaches away from Applicants' invention.

Moreover, Illustrator makes no mention of converting implicit color commands within a page description file to explicit color commands within the page description file, as recited by Applicants' claim 47. Instead, the Illustrator process allows a user to capture implicitly defined objects presented on a display device and manually request that the objects be converted to explicitly defined objects. Illustrator makes no mention of a page description file or converting implicit color commands identified within a page description file. Illustrator also does not describe replacing the implicit color commands with the explicit color commands in the page description file.

Claim 48

With reference to independent claim 48, the applied references fail to teach or suggest modification of color values in a page description file by parsing the page description file to identify implicit color commands that provide implicit definitions of color values, for each of the identified implicit color commands, generating an explicit color command that approximates the function and content defined by the identified implicit color command, and replacing each of the identified implicit color commands within the page description file with the corresponding explicit command within the page description file.

In support of the rejection, the Examiner stated that Vyncke teaches parsing a page description file to identify and simplify implicit color commands. The Examiner recognized that Vyncke does not teach converting an identified implicit color command into a set of

⁹ *Vyncke et al.*, Col. 2, ln. 55 – Col. 3, ln. 3.

¹⁰ *Vyncke et al.*, Col. 2, ll. 44-52.

explicit color commands. However, the Examiner asserted that Illustrator teaches converting and replacing an identified implicit color command into a set of explicit color commands. The Examiner stated that it would have been obvious to modify the description file simplification process of Vyncke with the implicit to explicit conversion process of Illustrator so that the document could have been appropriately modified to overcome printing problems.

Vyncke fails to describe parsing a page description file to identify implicit color commands. Instead the Vyncke reference describes translating PDL commands into an ODL and parsing the ODL to identify graphical objects within the ODL.¹¹ Moreover, Illustrator makes no mention of generating an explicit color command that approximates the function and content defined by the identified implicit color command, as recited by Applicants' claim 48. Instead, the Illustrator process allows a user to capture implicitly defined objects presented on a display device and manually request that the objects be converted to explicitly defined objects. Illustrator makes no mention of a page description file. Illustrator also does not describe replacing each of the identified implicit color commands within the page description file with the corresponding explicit command within the page description file.

Neither Vyncke nor Illustrator provide any motivation to modify the Vyncke process to convert implicit color commands to explicit color commands within a page description file. Even if the Vyncke process were modified by the Illustrator process, the combination would not result in Applicants' invention as claimed. The cited references similarly fail to disclose the features required by dependent claim 49.

For at least these reasons, the Examiner has failed to establish a prima facie case for non-patentability of Applicant's claims 1-49 under 35 U.S.C. 103(a). Withdrawal of this rejection is requested.

New Claims:

Applicants have added independent claim 50 to the pending application. The applied references fail to disclose or suggest the inventions defined by Applicants' new claim, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed inventions. For example, the references fail to disclose or suggest modification of color values in a page description file by identifying an implicit shading command within the page description file that defines a graphic image object characterized by a starting color

value, an ending color value, and a shading function over a range of color values between the starting color value and the ending color value, converting the identified implicit shading command within the page description file to explicit color commands within the page description file without raster image processing the page description file, wherein the explicit color commands for the implicit shading command defines the graphic image object as a plurality of sub-objects, each of the sub-objects being assigned a color value corresponding to a color value produced by the shading function in an area of the graphic image object corresponding to the respective sub-object, and modifying color values specified by the explicit color commands, as recited by claim 50.

For at least the reasons discussed above, Vyncke does not teach identifying an implicit shading command within the page description file. Although the Vyncke reference does describe identifying objects defined by color blends within the ODL, Vyncke does not teach converting the PDL commands that correspond to the identified objects to explicit PDL commands. On the contrary, Vyncke teaches converting any explicitly defined colors within the blend object to implicitly defined colors based on the extreme colors of the blend.¹²

In addition, Illustrator fails to provide teaching sufficient to overcome the deficiencies of the Vyncke reference. Illustrator does not describe converting the identified implicit shading command within the page description file to explicit color commands within the page description file, as recited by Applicants' claim 50. Illustrator never mentions defining the graphic image object of the implicit shading command as a plurality of sub-objects. In fact, Illustrator merely teaches a user how to execute a command that converts implicitly defined objects to explicitly defined objects in order to avoid difficulty when printing the implicitly defined objects. Furthermore, both of the cited references fail to describe modifying color values of either implicit or explicit color commands.

No new matter has been added by the new claim. Claim 50 incorporates features from Applicants' claims 1, 2, 3, 6 and 7.

CONCLUSION

For at least the reasons identified above, all claims in this application are in condition for allowance. Applicants in no way acquiesce to any of the Examiner's characterizations of

¹¹ *Vyncke et al.*, Col. 2, ln. 55 – Col. 3, ln. 3.

¹² *Vyncke et al.*, Col. 6, ll. 19-45.

the prior art with respect to the dependent claims, and neither admit nor acquiesce in the grounds of rejections advanced by the Examiner. Applicants reserve further comment on the dependent claims, as each of the independent claims clearly distinguish the applied prior art for at least the reasons addressed above. Applicant respectfully requests reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 05-0225. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date:

August 5, 2005

Eastman Kodak Company
343 State Street
Rochester, NY 14650-2201
Telephone: 585-477-3395
Facsimile: 585-477-4646

By:

Mark G. Bocchetti

Name: Mark G. Bocchetti
Reg. No.: 31,330